IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8518 of 2005

Between:

1 Pitani Narasamma, w/o Tatalu,
r/o Pithavanipalem, Pedagantyada Mandal, Visakhapatnam District.
2 Sammangi Yerramma, w/o Appanna,
r/o Pithavanipalem, Pedagantyada Mandal, Visakhapatnam District.
3 Sammangi Pentaiah, s/o Dasaiah,
r/o Pithavanipalem, Pedagantyada Mandal, Visakhapatnam District.
4 Nelli Appayamma, w/o Lachanna,
r/o Pithavanipalem, Pedagantyada Mandal, Visakhapatnam District.

..... PETITIONERS

AND

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Pedagantyada Mandal, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in trying to enter in to the D-form patta lands of the petitioner situated in Sy.No.154/6, 154/4, 155/1, 154/2 and 153/26 of Pithavanipalem Village, Pedagantyada Mandal, Visakhapatnam District to a total extent of Ac.7.33 cents without any authority of law as arbitrary, illegal and unconstitutional and pass such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners:MR.G.SURAPU NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondents in seeking to dispossess the petitioners from the lands in Survey Nos.154/6, 154/4, 155/1, 154/2 and 153/26 of Pithavanipalem Village, Pedagantyada Mandal, Visakhapatnam District to a total extent of Ac.7-33 cents is arbitrary and illegal.

The claim of the petitioners is that they were granted D Form pattas in respect of the said lands in 1978 and that they have been in continuous possession and enjoyment of the same. It is alleged that the respondents have been taking steps to dispossess them highhandedly. Hence, this writ petition.

When the matter is taken up for consideration, the learned Government Pleader for Revenue, under instructions, states that though it is true that D Form pattas were granted in favour of the petitioners in 1978, but subsequently the first respondent, the District Collector, by proceedings dated 13-07-1983 resumed different extents of lands in different survey numbers including the lands-in-question for the purpose of Steel Plant Rehabilitation and that thereafter, the said lands were transferred to the Visakhapatnam Steel Plant. It is also stated that a lay out was prepared and was handed over to the concerned.

In view of what has been stated by the learned Government Pleader, it is clear that the petitioners are not in possession of the lands-in-question as on today. Hence, the relief as prayed for in this writ

petition cannot be granted.

The writ petition is accordingly dismissed. However, this order shall not preclude the petitioners to work out appropriate remedy as available under law against the order of resumption dated 13-07-1983. No costs.

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(G.ROHINI,J)

Date:19-04-2005

ghn

To

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Pedagantyada Mandal, Visakhapatnam.

4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings,

A.P., Hyderabad (OUT)

5 Two C.D copies.